

By: Ellis

S.B. No. 143

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of failure to report child abuse.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 261.109(b), Family Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree [~~Class B misdemeanor~~].

SECTION 2. Article 12.01, Code of Criminal Procedure, as amended by Chapters 12, 1479, and 1482, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter; [~~or~~]

(B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

(C) [~~and~~] an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if

1 the accident resulted in the death of a person;

2 (2) ten years from the date of the commission of the
3 offense:

4 (A) theft of any estate, real, personal or mixed,
5 by an executor, administrator, guardian or trustee, with intent to
6 defraud any creditor, heir, legatee, ward, distributee,
7 beneficiary or settlor of a trust interested in such estate;

8 (B) theft by a public servant of government
9 property over which he exercises control in his official capacity;

10 (C) forgery or the uttering, using or passing of
11 forged instruments;

12 (D) injury to a child, elderly individual, or
13 disabled individual punishable as a felony of the first degree
14 under Section 22.04, Penal Code; or

15 (E) sexual assault, except as provided by
16 Subdivision (1) or (5);

17 (3) seven years from the date of the commission of the
18 offense:

19 (A) misapplication of fiduciary property or
20 property of a financial institution;

21 (B) securing execution of document by deception;
22 or

23 (C) a violation under Sections 153.403(22)-(39),
24 Tax Code;

25 (4) five years from the date of the commission of the
26 offense:

27 (A) theft, burglary, robbery; [~~or~~]

- 1 (B) arson;
- 2 (C) kidnapping;
- 3 (D) injury to a child, elderly individual, or
4 disabled individual that is not punishable as a felony of the first
5 degree under Section 22.04, Penal Code; or
- 6 (E) abandoning or endangering a child;
- 7 (5) ten years from the 18th birthday of the victim of
8 the offense:
- 9 (A) indecency with a child under Section
10 21.11(a)(1) or (2), Penal Code; or
- 11 (B) except as provided by Subdivision (1), sexual
12 assault under Section 22.011(a)(2), Penal Code, or aggravated
13 sexual assault under Section 22.021(a)(1)(B), Penal Code;
- 14 (6) ten years from the 18th birthday of the child whose
15 physical or mental health or welfare has been or may have been
16 adversely affected by abuse or neglect: failure to report abuse or
17 neglect under Section 261.109, Family Code; or
- 18 (7) [~~6~~] three years from the date of the commission
19 of the offense: all other felonies.

20 SECTION 3. (a) This Act takes effect September 1, 2003.

21 (b) The change in law made by this Act to Section 261.109,
22 Family Code, applies only to an offense committed on or after the
23 effective date of this Act. An offense committed before the
24 effective date of this Act is covered by the law in effect when the
25 offense was committed, and the former law is continued in effect for
26 that purpose. For purposes of this section, an offense was
27 committed before the effective date of this Act if any element of

1 the offense occurred before that date.

2 (c) The change in law made by this Act to Article 12.01, Code
3 of Criminal Procedure, does not apply to an offense if the
4 prosecution of that offense became barred by limitation before the
5 effective date of this Act. The prosecution of that offense remains
6 barred as if this Act had not taken effect.